

work upon—just as soon as we reached the point in the testimony where I could under my oath make the suggestion that proceedings be suspended pending an inquiry into the defendant's sanity.

"I was handicapped at the outset by reason of the fact that the prisoner would not submit to a personal examination at the hands of the alienists retained by the State. Accordingly, they were compelled to be guided only by their observations of the prisoner in court.

"After the defense put into evidence the letters written by Harry Thaw, I was given photographic copies of those letters and I turned them over to Dr. Flint, McDonald and Mabon. On the following day—Feb. 18—Dr. Flint came to me and told me that in his opinion Thaw was suffering from an incurable form of paranoia and that he was incapable of properly conferring with his counsel.

OTHER DOCTORS AGREE HE IS CRAZY.

"Dr. McDonald and Dr. Mabon were at that time undecided, but later they, together with all the other alienists whom I had retained in the meantime, agreed that Thaw was sane. They also united in saying that he was a paranoid and that he knew the nature and quality of his act and knew the act was wrong.

"They told me, however, that should the lawyers for the defense ask them on the stand if they believed Thaw to be insane, they would have to answer in the affirmative.

"Yet the defense asked no such questions, and not until Dr. Hamilton took the stand was I in a position to act.

"I used to meet Dr. Hamilton last summer when he was travelling on the same train with me. At that time he had been retained by Black, Olcott, Gruber & Bonnyne to examine this defendant, and in that capacity he repeatedly urged me to have a commission in lunacy appointed, since he believed firmly that Thaw was incurably insane. At that time I did not believe Thaw to be insane. It was later that changed my mind.

"Justice Fitzgerald started to speak Mr. Hartridge rose up.

"Your Honor," he began.

"Hing! Down came the Justice's ravel.

REBUKE FOR HARTRIDGE.

"When I want to hear from you in these proceedings I will call on you," said his Honor sharply. As Hartridge sank back into his chair, Justice Fitzgerald started all over again. He said that he held the District Attorney's course at the outset to have been a perfectly proper and perfectly legal one, since the inquiry in the trial had for awhile been directed to the defendant's sanity on June 25, 1906, and not once to the present condition of his mind.

"Your Honor," said Delmas, "Mr. Jerome contends that my client is incapable of conferring with me. How then is he capable of waiving a professional privilege and permitting Dr. Hamilton to testify?"

Jerome insisted that the privilege had in effect been waived when the defense put Dr. Hamilton on the stand yesterday.

Justice Fitzgerald said he would pass on the matter of Dr. Hamilton's privilege later. He also said he would give the defense ample time to prepare counter affidavits and counter evidence.

"After I have made my mind up," he added, "I will notify the side against which I have decided and allow that side an opportunity to present any new proof that may be pertinent to the subject.

AMPLE CHANCE FOR EACH SIDE.

"I will adjourn this hearing until Saturday afternoon at 2 o'clock, by which time I shall expect the defense to have their counter affidavits ready for presentation to me at the office of Clerk Carroll, of this court. If, in my opinion, either side has failed to submit the proper amount of proof in support of its position, I will give them an opportunity to do so.

"The Court desires to say that these proceedings are taking place in the discretion of the Court outside of the statute. An appeal has been made to the conscience of the Court and that appeal is being answered under the common law and in the interests of justice and propriety."

Justice Fitzgerald announced that on the morning when the jury assembled, he would dismiss them until Monday and continue to dismiss them from day to day until the matter of the appointment of a commission in lunacy had been settled. The hearing then adjourned.

SEVEN ALIENISTS SAY HE IS CRAZY.

District Attorney Jerome's motion for the appointment of a commission in lunacy embodied the affidavits of seven alienists retained by the State and one newspaper man.

Six of the seven alienists state that when Thaw was suffering from a form of paranoia he shot Stanford White; that he should not be discharged from custody; that if he should be discharged he would be dangerous to the public peace and safety; that it is reasonably certain to believe that he will not recover; that he is not competent to confer with his lawyers; that he comes from tainted stock, and that he should be detained in some institution for the care and treatment of the insane.

The seventh alienist, Dr. William Hirsch, agrees with his colleagues, except he states positively that the "form of mental disease in the said Harry K. Thaw is such that he cannot possibly recover from the same."

The affidavit started with that of Irvin S. Cobb, a reporter on The Evening World, in regard to a note which Thaw sent him on Feb. 28 during the pedigree of the trial. Cobb's affidavit set forth simply the facts in the incident, without any inferences as to Thaw's sanity or insanity.

Then followed in order the affidavits of Drs. Flint, Mabon, McDonald, Pritchard, Ferris, Hirsch and Diefendorf. The affidavit makes thirty-two pointed pages.

As he entered the court Mr. Hartridge said to an Evening World reporter: "I am authorized to say for Mrs. William Thaw that she had absolutely nothing to do with the calling of Dr. Hamilton to the witness stand yesterday, that she never advised it and never knew it was to be done."

HARTRIDGE SEES HOPE AHEAD.

Then, speaking for himself, Mr. Hartridge said: "I do not believe that any commission in lunacy will ever be appointed, although I am in no way fearful of the results should such a commission be formed. Nor is there a chance on earth to convict my client, as Mr. Jerome has already admitted to a reasonable doubt of Thaw's sanity, and certainly he cannot now tell a jury that they are not entitled to have the same doubt.

"I don't wish to criticize any one connected with the case, but it was apparent that Mr. Gleason was the only man who showed surprise at Dr. Hamilton's answers yesterday. I knew what Dr. Hamilton would say if Mr. Gleason asked him certain questions.

"Dr. Hamilton's position is an unusual one. He has been quoted a dozen different ways. Originally he was retained by Thaw's former counsel. Then he went away awhile and when he came back he was in touch with the prosecution's side of the case. Then he lined up with the defense apparently.

Such is the confidence that his lawyers have in the ability of Harry K. Thaw to satisfy any commission in lunacy that he is sane that they will put him on the stand for examination and study. This step was agreed upon today after a conference between Thaw and his lawyers, O'Reilly and Hartridge. Thaw, in ordinary conversation, conversed intelligently enough, and his counsel think he will be able to prove that he is sane to satisfy any commission in lunacy, which is all that is required to render a commission unnecessary.

Thaw Takes It Easily.

O'Reilly and Peabody accompanied Mrs. William Thaw to Thaw's cell today. For a young man who is never very calm they found him fairly composed. They spent an hour or more on Murders' Row in earnest conversation with the prisoner. The two lawyers used him that in any counting, easy he was bound to profit by the new development. They pointed out that in any event Jerome must lose heavily in the popular estimation by his confession that he has been striving with all his might to send to the electric chair a man whom he admits he believed to be insane from the beginning.

Could It Have Been a Coup?

Mr. Gleason was meshed in gloom when a reporter saw him on his way to the courthouse.

"Not for my own sake, but for the sake of my family I ask to be put right

Jerome at Different Periods of Thaw Trial; First Demanding Death Penalty, Now Moved by Pity

(From sketches made in court for The Evening World by ARTIST PERLEY. One shows the District Attorney, bitter and unrelenting, fighting for conviction; the other as he appeared yesterday, tearfully protesting against the brutality of sending a madman to the electric chair.)



FISH TALKS OF THE ROTTENNESS OF RAILROADS

Effect Now Being Felt Will Last Some Time—Defends Roosevelt.

PHILADELPHIA, Pa., March 21.—Stuyvesant Fish, of New York, until recently president of the Illinois Central Railroad, delivered an address today before the students of the Wharton School of Finance of the University of Pennsylvania. He took for his subject, "Faith the Basis of Finance." Mr. Fish said in part:

"There can be no good financial system in the world unless the people have faith in their banks, their business and their securities.

"Simply because there is an occasional failure in the stock market by which money is lost, is no reason for the people thinking that the financial conditions are wrong, but merely that these things are bound to occur from time to time.

"The fact that the investigation of the railroad conditions of the country was ordered by President Roosevelt had no more to do with the recent decline in railroad stocks in Wall street than you or I.

"It is quite true that the investigation did unearth some conditions that could only be characterized by the use of extremely bad language. That there have been rotten conditions in railroad circles is known to all those who have had to deal with the management of railroads.

"Our system of locking up public money in the national treasury and so taking gold or its equivalent out of circulation is a relic of barbarism.

"It has of late been very much the fashion to blame President Roosevelt for what happens on the Stock Exchange, but I can assure you that it is not right.

"The legislation that he has dictated has been largely beneficial. The so-called Hepburn bill, if constitutional, is in my opinion, economically unsound and has affected and will affect adversely the commercial interests of the country more severely than the railroad interests."

Blinded by Partisan Passion, Says Pope.

ROME, March 21.—The discussion in the French Chamber of Deputies yesterday of the motion of M. Jaures, the Socialist leader, to publish the contents of the documents seized at the Papal Nunciature in Paris at the time of the expulsion from France of M. Montanelli, and the subsequent adoption of the motion caused a painful impression at the Vatican. It is reported that the proposal had been agreed to.

"This is another violation of international law," which the representatives of France would not have committed if the majority were not blinded by partisan passion.

WOMAN DROWNS IN A TUB DURING A FIT

Husband Is Out of Town, and Her Friends Are Unknown.

Mrs. Ida Goodby, forty years old, of No. 212 West Sixty-fourth street, was drowned in a bathtub today while suffering from an epileptic fit.

Mrs. Goodby, whose husband, John B. Goodby, is a commercial traveler and out on the road, occupied the third floor apartment in the Sixty-fourth street house.

Mrs. Goodby was on the fourth floor, heard groans coming from below at 9 o'clock today and hurried down to the Goodby flat.

The groans were becoming fainter when Mrs. McKay climbed out on an extension in the rear of the house and reached the bathroom. Forcing open the window, she reached the bathroom, where she found Mrs. Goodby in the tub with her head under the water.

The water was turned on full from both faucets.

Mrs. Goodby was alive when Mrs. McKay dragged her from the bathroom and lifted her on her bed. She died, however, before the arrival of a physician.

As she had only recently moved to the house, none of her fellow tenants knew any of her friends, nor her husband's business address. He left town on a business trip several days ago.

SEAL DIVES INTO HIPPODROME CROWD.

Scared Half a Dozen Women by His Barking—and Show Went on.

Nero, the almost human seal, walked to the footlights of the Hippodrome, Feb. 19, for Tabu, has been beaten stage this afternoon, looked his chops, lifted his silk body up on his rear legs and with a playful bark dove into the audience.

Her barking had been so effective that Nero struck it with a splash. The startled Hippodrome audience burst into a roar and applauded the seal's performance.

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KELSEY CLAIMS FIRST SKIRMISH IN HUGHES FIGHT

Raines Leaves Sick Bed and Forces Action for Insurance Chief.

ALBANY, March 21.—Senator Raines, Republican leader in the upper house, left a sick bed today to appear in the Senate chamber at the hearing of Insurance Superintendent Kelsey, who is fighting Gov. Hughes to retain his office.

Mr. Raines, who had not been out of his bed since he was stricken with illness, was accompanied by Senator Armstrong and former Deputy Attorney General Amesworth, who presented himself before the Senate Judiciary Committee, which is hearing the arguments on the Senate resolution to oust the insurance chief.

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KEENE'S BROKER TELLS OF BEAR RAID IN "MET."

Quickly Covered When the District Attorney Failed to Respond.

It developed from the testimony of James R. Keene's son-in-law, J. Talbot Taylor, given in Col. William N. Amory's \$50,000 libel suit against President Vreeland, of the Metropolitan Street Railway Company, in the Supreme Court today, that the financial expert following Amory's placing of his accountants' analysis of the company's report to the Railroad Commission in the hands of the District Attorney—John C. Hertie, of No. 229 Broadway, the expert accountant upon whom reports Amory's testimony, he based his attack on the Metropolitan system at Col. Amory's request in 1902.

He had never seen the books of the company. He denied ever having seen Talbot J. Taylor, James R. Keene's son-in-law, had admitted writing a letter asking for \$500 compensation for the work in going over the reports of the Metropolitan.

Mr. Nicolai was very insistent on getting Hertie to declare that of the three reports he made not one was even given to his possession.

Asked to explain the statement that the Metropolitan system instead of being solvent had a deficit of \$1,974,000, Hertie said that the deficit of the lesser companies, which were omitted in the road's 1902 report, amounted to \$1,000,000 and that the deficit of the Metropolitan and bonds to over \$2,000,000. This deficit, he said, was the surplus, Hertie said, left the deficit reported.

"Met" Had Big Deficit.

He said that the eleven company's reports to the railroad commission which he had examined, "very vague," and that if, as now appeared, the company had assets to meet the deficit, he had discovered the fact was not apparent in the papers filed with the commissioners. Hertie said that his report, solely for Col. Amory and his associates, "I had no idea it was to be used for any other purpose," he volunteered.

Talbot J. Taylor was the next witness summoned. He said the broker with Col. Amory, 60, Broadway street, Col. Franklin Bartlett, of Col. Vreeland's legal forces, took Taylor in hand, "very much chaperoned," and that he was a man of middle age, very carefully dressed in a light brown suit, with a dark tie and a dark hat.

"Where you short of Metropolitan stock?" "I was short of Metropolitan stock," he said.

"How many were you short your share?" "About 1,500."

"And your other customers?" "About 1,500."

"How about Street and Norton's shares?" "Well I sold about 1,500 short for them."

"When did you cover the shares short?" "Well I didn't. When I heard the District Attorney wouldn't back up Col. Amory's case."

Henry Earle wanted to know if James R. Keene had instigated a "bear" raid on the Metropolitan stock market.

"I should say not," he replied with a laugh.

"How about Amory?" "Amory was not a good financial adviser for you?" "No," said the witness, still highly amused.

Winthrop Burr, a broker, and James W. Cunningham, a broker, closed the case of the defense. Col. Bartlett moved for a dismissal of the complaint on the ground that no libel had been proved.

GALE SWEEPS ITALY, VESSELS ARE WRECKED.

ROME, March 21.—A violent hurricane, which has caused serious damage, has swept over Italy. Several vessels are reported to have been wrecked.

Association.

The scent of a new way recall a friend a violet, a romance—more fragrant and delicate than these:

Djer-Kiss

(Dear Kiss)

THE NEW PERFUME

One drop of Djer-Kiss when dressing—Djer-Kiss breathes on the face and gives—Djer-Kiss gives a freshening touch, and endures fragrance below you, becoming associated with you in the memory of your friends.

For sale everywhere.

DR. KERRICK, Paris, France.

AGENTS: E. SMITH & CO., New York.

YOU HAVE NEVER ENJOYED as good a glass of CRISP, SODA as at the fountains of our 35 RETAIL STORES THROUGHOUT THE STATES & CANADA.

or at our authorized Sales Agents in PERSONAL OFFICES.

Where you have seen their Signs and their Salesmen displayed.

YOU REMEMBER their DELICIOUS CRISP FLAVOR?

WHY NOT ENJOY it IN YOUR OWN HOME, BY ORDERING A CAN OF

Stayer's BREAKFAST COCOA

Stores, Sales Agents or from your Grocer.

MRS. WORRALL GETS DIVORCE FROM BROKER

Announces It by Advertisement—Husband Well Known on the Exchange.

An advertisement published in a morning newspaper today announces that Amelia R. Worrall was granted yesterday an interlocutory decree in her suit for absolute divorce from Richard P. Worrall, of the New York Stock Exchange.

The advertisement states further that the hearings were held before a referee in matrimonial cases, and that the suit was settled.

Mrs. Worrall inserted the advertisement. Her object is a matter of considerable speculation, although it is said in the social circles in which she moves that she might have wished to keep her husband from contracting any further matrimonial matters, or that the divorce should become public.

Richard P. Worrall is a well-known stock exchange broker and senior partner in the firm of Worrall & Johnson, No. 25 Broad street. He is said to be wealthy. Mrs. Worrall is occupying her room in a flat on the third floor of the building last night, closed the windows, shut the transom and then turned on the gas from two jets in the room.

Her son Thomas found the woman unconscious, and called a doctor. Dr. Burchell, of the Hudson Street Hospital, found the woman alive, but she is not expected to recover. No motive is assigned for the act.

WOMAN SEEKS DEATH.

Mrs. Roberts Found Unconscious by Son With Gas Turned On.

Mrs. Ellen Roberts, of No. 4 Hamilton street, the police of the Madison Street station, stated today that in her room in a flat on the third floor of the building last night, closed the windows, shut the transom and then turned on the gas from two jets in the room.

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